



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

## APPLICATION

DATED: 10/11/2023

TO: **THE ZONING BOARD OF APPEALS**  
THE TOWN OF NEWBURGH, NEW YORK 12550

I (WE) Ryan D Rocket PRESENTLY

RESIDING AT NUMBER 397 CANDLESTICK HILL ROAD

TELEPHONE NUMBER 845-234-1607

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

6-1-59 (TAX MAP DESIGNATION)

397 CANDLESTICK HILL ROAD (STREET ADDRESS)

AR (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185 attachment 6

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:  
\_\_\_\_\_

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:  
08/18/2023

4. DESCRIPTION OF VARIANCE SOUGHT: lot area: 100,000 s.f. min. required/66,238 s.f. proposed  
lot width: 150' min. required/63' proposed one  
side yard: 30' min. required/6' proposed  
both side yards: 80' min required/25' proposed

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:  
\_\_\_\_\_  
\_\_\_\_\_

**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. IF AN AREA VARIANCE IS REQUESTED:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

The pre-existing conditions preclude any changes in the character of the neighboring properties. The proposed improvements meet all zoning requirements.

- b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

The nature of the pre-existing conditions negate any other method other than an area variance.

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- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:  
It is consistent with the character of the neighborhood.

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- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

There will be no impact with respect to environmental conditions because it is a pre-existing condition.

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- e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:  
It is a pre-existing condition.

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7. ADDITIONAL REASONS (IF PERTINENT):

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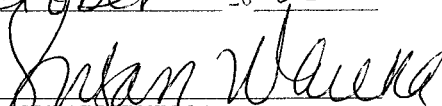
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\_\_\_\_\_  
PETITIONER(S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 5<sup>th</sup> DAY OF October 2023

SUSAN WAREKA  
Notary Public, State of New York  
Reg. No. 01WA6378511  
Qualified in Orange County  
Commission Expires July 30 2026

  
\_\_\_\_\_  
NOTARY PUBLIC

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



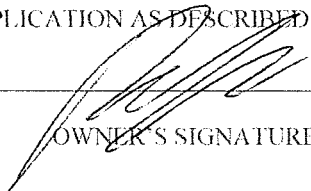
TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

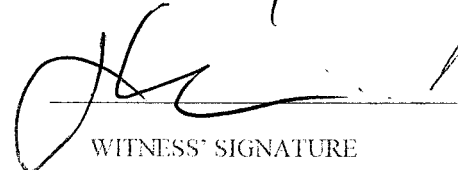
PROXY

Ryan D Rocket, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 397 CANDLESTICK HILL ROAD  
IN THE COUNTY OF Orange AND STATE OF NY  
AND THAT HE/SHE IS THE OWNER IN FEE OF 397 CANDLESTICK HILL ROAD

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED ACES / Jonathan N Millen LLS  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.


DATED: 10/10/23

  
OWNER'S SIGNATURE

  
WITNESS' SIGNATURE

STATE OF NEW YORK; COUNTY OF ORANGE:

SWORN TO THIS 5<sup>th</sup> DAY OF October 20 23

  
NOTARY PUBLIC

SUSAN WAREKA  
Notary Public, State of New York  
Reg. No. 01WA6378511  
Qualified in Orange County  
Commission Expires July 30, 2026

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: ROCKET SUBDDIVISION			
Project Location (describe, and attach a location map): 397 CANDLESTICK HILL ROAD			
Brief Description of Proposed Action: PROPOSED SUBDIVISION OF EXISTING RESIDENTIAL LOT. EXISTING AND PROPOSED LOT TO BE SERVICED BY THEIR OWN WELL AND SEPTIC SYSTEMS.			
Name of Applicant or Sponsor: KELLY L GRECO & RYAN ROCKET		Telephone: 845-316-5208	
		E-Mail:	
Address: 397 CANDLESTICK HILL ROAD			
City/PO: NEWBURGH		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NEWBURGH PLANING & ZBA			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.7 acres	
b. Total acreage to be physically disturbed?		0.50 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.7 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ PROPOSED ON SITE WELL	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ PROPOSED ON SITE SEPTIC	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

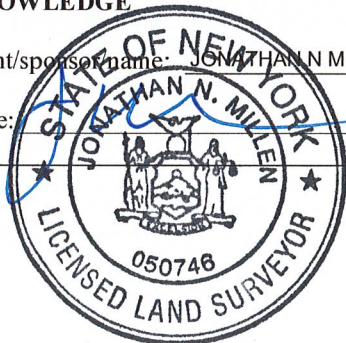
**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: JONATHAN N. MILLEN LLS

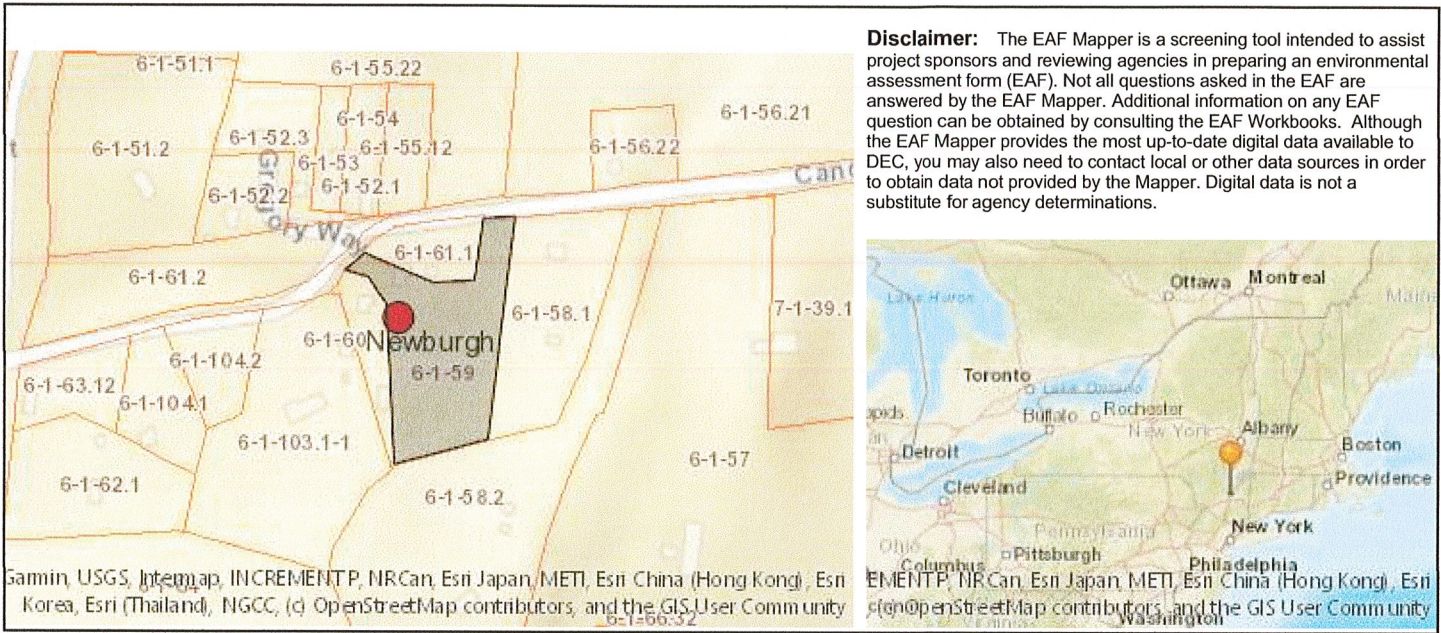
Date: 05/03/23

Signature: \_\_\_\_\_

Title: President LLS







Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No





ORANGE COUNTY – STATE OF NEW YORK  
 ANN G. RABBITT, COUNTY CLERK  
 255 MAIN STREET  
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE  
 \*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



BOOK/PAGE: 14616 / 705  
 INSTRUMENT #: 20190062498  
 Receipt#: 2695561  
 Clerk: JM  
 Rec Date: 08/28/2019 01:00:33 PM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: GRECO FRANK  
 Party2: GRECO KELLY L  
 Town: NEWBURGH (TN)  
 6-1-59

Recording:	
Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00
Sub Total:	<u>190.00</u>
Transfer Tax	
Transfer Tax - State	480.00
Sub Total:	<u>480.00</u>
Total:	<u>670.00</u>
**** NOTICE: THIS IS NOT A BILL ****	
***** Transfer Tax *****	
Transfer Tax #: 936	
Transfer Tax	
Consideration: 120000.00	
Transfer Tax - State	480.00
Total:	<u>480.00</u>

Payment Type: Check   
 Cash   
 Charge   
 No Fee

Comment: \_\_\_\_\_

*Ann G. Rabbitt*

Ann G. Rabbitt  
 Orange County Clerk

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S  
ACTS (INDIVIDUAL OR CORPORATION)**

**FORM 8002 (short version), FORM 8007 (long version)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND  
PURCHASER BEFORE SIGNING.

*THIS INDENTURE*, made the August 21, 2019,

**BETWEEN FRANK GRECO AND CHRISTINA M. GRECO**, of 398 CANDLESTICK HILL ROAD,  
NEWBURGH, New York 12550,

party of the first part, and

**KELLY L. GRECO AND RYAN D. ROCKET, As Joint Tenants with Rights of Survivorship** of 395  
Candlesick Hill Road, NEWBURGH, New York 12550,

party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00) and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever; HOWEVER, Kelly L. Greco and Ryan D. Rocket, the party of the second part, shall not transfer ownership prior to September 1 2029 without the permission of Frank Greco and Christina M. Greco, party of the first part. BUT IF, Kelly L. Greco and Ryan D. Rocket, party of the second part, shall pre-decease Grantors, Frank Greco and Christina M. Greco, party of the first part, their interest shall revert to the Grantors herein.

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York more particularly described in Schedule A attached hereto and made a part hereof.

**BEING AND INTENDED TO BE** the same premises conveyed to Frank Greco and Christina Greco who acquired title by deed from dated January 24th 1989 from Carmelo Greco and Loreida Greco recorded January 24th 1989 in the Orange County Clerk's Office in Liber 3096 page 41.;

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the middle of Candlestick Hill Road at the northwesterly corner of a parcel conveyed by Anthony Milea to Mary Maurice; thence along this parcel as the magnetic needle pointed in 1954, south 17 degrees 36 minutes west 15.1 feet to an iron pipe set near the side of the road; thence south 17 degrees 36 minutes west 538.6 feet to an iron bar set in a stonewall; thence along the same lands along a stonewall south 85 degrees 47 minutes west 231.8 feet to an iron pipe set in the middle of a lane; thence through the lands of the aforesaid Milea as follows: north 9 degrees 16 minutes east 368.4 feet to an iron pipe set in the range of the southerly side of a barn and 13.3 feet westerly of the southwesterly corner thereof; thence north 22 degrees west 72.6 feet to a bolt set in the middle of a drive; thence along the middle of the drive south 78 degrees 13 minutes west 64.6 feet to an iron pipe set; thence north 58 degrees 50 minutes west 14.2 feet to the middle of the Candlestick Hill Road; thence along the middle of this road north 36 degrees 10 minutes east 95.5 feet to a point; thence south 55 degrees 42 minutes east 15.8 feet to an iron pipe set near the side of the road; thence south 55 degrees 42 minutes east 180 feet to a chisel cross on a stone, being 34.1 feet northeasterly of the northeasterly corner of the house on this parcel; thence south 83 degrees 26 minutes east 96 feet to an iron pipe set; thence north 18 degrees 06 minutes east, 161 feet to an iron pipe set near the side of the Candlestick Hill Road; thence continuing on the same course 15.1 feet to the middle of the road; thence along the middle of the road south 86 degrees 24 minutes east 73.3 feet to the place of beginning, containing 2.76 acres more or less.

Excepting and reserving to the party of the first part, his heirs and assigns, forever, the right to use the driveway above mentioned as it now exists past the barn and out to the Candlestick Hill Road as a means of access and egress from the premises of the party of the first part to the said Candlestick Hill Road, such use to be in common with the parties of the second part, their heirs and assigns, and both parties agree for themselves and their heirs and assigns that the said driveway shall not be diminished or obstructed in any way whatsoever.

Also, excepting and reserving to the party of the first part his heirs and assigns, the right to take water from the well on the premises being hereby conveyed for domestic purposes; said well being located between the residence of the party of the first part and the bungalow on the premises being hereby conveyed; such right to include the right to maintain a pipe from said well to the residence of the party of the first part and to use a pump to draw such water. This right to use the well is exclusive and the parties of the second part have no right to take water from such well. The party of the first part, however, agrees to relinquish this right at any time that the parties of the second part shall be willing to defray the expense of constructing a new well on the premises of the party of the first part which shall furnish him an adequate supply of water for domestic purposes.

BEING the same premises described in Deed of Antonia Milea to Carmelo Greco and Loreida Greco dated January 7, 1955 and recorded in the Orange County Clerk's Office on January 17, 1955 in Liber 1333 of Deeds at Page 587.

such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

*IN WITNESS WHEREOF*, the party of the first part has duly executed this deed the day and year first above written.

*Frank Greco*  
By: FRANK GRECO

*Christina M Greco*  
By: CHRISTINA M. GRECO

**Acknowledgment by a Person Within New York State (RPL § 309-a)**

STATE OF NEW YORK                    )  
COUNTY OF ORANGE                ) ss.:  
  )

On the 21st day of August in the year 2019, before me, the undersigned, personally appeared **FRANK GRECO AND CHRISTINA M GRECO**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

*[Signature]*  
(signature and office of individual taking acknowledgment)

Record Return:  
Michelle Anderson, Esq.  
5031 Rt. 9W  
Newburgh, N.Y. 12550



James R. Loeb  
Richard J. Drake, *retired*  
Glen L. Heller\*  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Ralph L. Puglielle, Jr.  
Nicholas A. Pascale

Alana R. Bartley  
Aaron C. Fitch  
Judith A. Waye  
Michael Martens

Jennifer L. Schneider  
Managing Attorney

\*L.L.M. in Taxation

August 18, 2023

**BY EMAIL ONLY**

Darrin J. Scalzo, Chairman  
Zoning Board of Appeals  
Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York 12550

Re: Rocket Subdivision / Planning Board Project No. 23-10

Dear Chairman Scalzo and Board Members:

At the Planning Board's August 17, 2023 meeting, the Planning Board resolved to re-refer this application to the Zoning Board of Appeals.

The proposed subdivision was previously referred to the Zoning Board of Appeals on May 25, 2023. Since that time the applicant has reconfigured the proposed subdivision and the Planning Board now re-refers this application for consideration of the required area variances. The subdivision involves subdividing a single existing residential parcel into two residential lots. The existing parcel is Zoned AR, Residential. The bulk zoning requirements for Lot #1 will need area variances for lot area, minimum side yard setbacks and minimum lot width.

Proposed Lot #1 would have two existing residences. There is an existing shared drive servicing both. Each residence has their own well and septic system. The existing parent parcel is slightly over the size which would permit the two existing houses on the parcel. Two family dwellings not to exceed 2 dwelling units per lot requires 100,000 square foot minimum in the AR Zoning District. The two existing structures are now proposed to be placed on a resulting 66,238 square foot parcel, which will require a variance for lot area where 100,000 square feet is required; 66,238 square feet is proposed.

Additional zoning non-conformities should be addressed by the Zoning Board of Appeals. The structure is located in an area which does not meet lot width: Lot width requires 150 feet, where 63 feet is provided. One side yard requires 30 feet, where 6 feet is provided. Both side yards require 80 feet, where 25 feet provided.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review.

Thank you for your consideration of this matter.

Very Truly Yours,

Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA  
Town of Newburgh Planning Board  
Patrick J. Hines, Planning Board Consulting Engineer





Oct 3, 2023 3:51



Oct 3, 2023 3:51









Oct 3, 2023 3:55



Oct 3, 2023 3:55

New




**AFFIDAVIT OF POSTING(S) OF  
NOTICE OF PUBLIC HEARING  
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

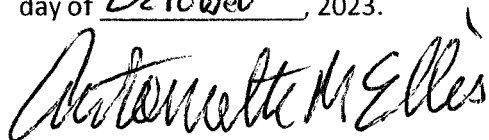
I Cesar Hagoire - Rajero, being duly sworn, depose and say that I did on or before  
November 7, 2023, post and will thereafter maintain at  
397 Candlestick Hill Rd 6-1-59 AR Zone in the Town of Newburgh, New York, at or near the front  
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which  
notice was in the form attached hereto.

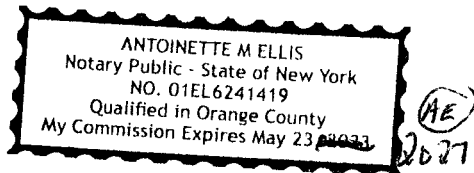
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

  
\_\_\_\_\_

Sworn to before me this 24<sup>th</sup>

day of October, 2023.



  
ANTOINETTE M ELLIS  
Notary Public - State of New York  
NO. 01EL6241419  
Qualified in Orange County  
My Commission Expires May 23, 2023  
AE  
10/27





**TOWN OF NEWBURGH**  
ZONING BOARD OF APPEALS  
21 Madison Valley, Colonial Plaza  
Newburgh, NY 12550

**OFFICE OF ZONING BOARD**  
TELEPHONE 845-562-1100  
FAX 845-562-1100

**NOTICE OF HEARING**

NOTICE is hereby given that, pursuant to Section 202-a(1)(i) of the Town Law, State of New York and Section 3-22, 3-24 (1) of the Code of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Tuesday the 21st day of November, 2012 at 7:00 P.M. in the Town Hall, 24th Street, Newburgh, New York to act upon the following appeal:

**APPLICANT:** [Name Redacted] **ADDRESS:** [Address Redacted] **APPEAL:** [Appeal Type Redacted]

**FILED:** [Date Redacted] **BY:** [Name Redacted]

**TAKE NOTICE** that if a response should appear at the hearing of person interested in any way upon and be heard by the Board.

**BY ORDER** of the Zoning Board of Appeals, of the 21st day of November, 2012.

*[Signature]*